

3. CERTIFICATES OF RECOGNITION

3.5 EMPLOYER REVIEW

PROGRAM POLICY (Formerly PP-011)

A Certificate of Recognition (COR) holder who has a fatality, a serious injury or incident, or repeated non-conformances of Alberta's Occupational Health and Safety (OHS) Legislation may be directed by Partnerships to conduct a new external audit to validate their health and safety management system. This may include a COR holder who has contributed to an incident that affects another employer.

BACKGROUND

When an employer has a fatality, a serious injury or incident, or has repeated non-conformances of applicable OHS Legislation, the effectiveness of the employer's health and safety management system is called into question. In these circumstances, the employer must undergo a new external audit to validate their health and safety management system.

A review can also be initiated based on the concerns of an Occupational Health and Safety Officer (OHSO), Certifying Partners (CPs), employers, workers, the WCB, a member of the public or other stakeholders. A review may be initiated by Partnerships as a result of the mandatory check of OHSO activity each time an employer certifies or maintains their COR.

PARTNERSHIPS STANDARDS

- 3.5.1 An Employer Review will be initiated by Partnerships in the following situations:
 - 3.5.1.1 A COR holder experiences a fatality, a serious injury or incident.
 - 3.5.1.2 When the actions of a COR holder contribute to a fatality, serious injury or incident of another employer's worker, as determined by investigation by the OHSO.
 - 3.5.1.3 An OHSO identifies concerns with the employer's health and safety management system when completing inspections on a COR holder.
 - 3.5.1.4 AEII identifies areas of concern when completing the mandatory check of OHSO activity over the previous 12 months each time an employer either certifies or maintains their COR. Areas of concern can include non-compliance with OHSO directives or outstanding OHSO orders.
 - 3.5.1.5 A complaint with proper substantiation is received by AEII.
- 3.5.2 If Partnerships determines that an employer review is required, the employer must undergo a new audit of their health and safety management system to retain their COR.
- 3.5.3 If an employer has been the subject of an external audit that was completed within 30 days prior to the incident date, a new external audit is not required. This provision applies to external audits only, and does not include internal maintenance audits.
- 3.5.4 If the employer holds a Small Employer Certificate of Recognition (SECOR), the required audit must be conducted by an external auditor.

- 3.5.5 Complaints made to Partnerships regarding an employer's health and safety management system from a member of the public, worker, employer, CP, the WCB or other stakeholder regarding an employer's COR must include:
- COR holder's name, address, contact name, telephone number, work site location(s).
 - Brief description of the concern(s) with the rationale for the complaint.
 - Name, organization and telephone number of individual making the complaint.
- 3.5.6 If an individual wishes to raise their concerns anonymously regarding an employer's health and safety management system, the caller will be directed to the Workplace Health and Safety Call Centre. The Call Centre may assign an OHSO to conduct an inspection. If the concerns are substantiated, the OHSO will refer the matter back to Partnerships with their findings (see 3.5.1).
- 3.5.7 If an Employer Review determines that an employer must conduct a new external audit to maintain their COR, the audit must be conducted and submitted to the CP within the next 90 calendar days. The employer will be advised in writing by Partnerships, and the audit due date will be specified in the letter. A copy of the letter will be sent to the employer's CP.
- 3.5.8 The employer may select the auditor, but the choice of auditor must be approved by the CP. The auditor cannot be the same individual who performed any of the employer's audits over the current or previous three calendar years.
- 3.5.9 If the audit is not completed and received by the CP on or before the due date, the employer's current COR will be cancelled.
- 3.5.10 If the audit conducted for Employer Review meets all Partnerships Standards, the employer will be restricted to a One-Year COR. Subsequent recertification audits will be eligible for the normal three-year period.

ENFORM PROCEDURE

1. Enform receives a copy of the letter from AEII that was sent to the employer.
2. The employer's file with Enform is reviewed to determine if an audit has been scheduled.
3. A follow up phone call is made by the Enform COR – Supervisor to the employer to ensure that the letter was received from AEII and the employer understands the details.
4. Notes are made on the employers file that an audit is due and that only a One Year COR will be applied as per the standard.
5. Follow up is performed, as required.
6. If an audit is not submitted by the due date in the Employers letter, the current COR is cancelled.